

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

CAREY LEE PETERSON,

Case No. 2:20-cv-00787-APG-DJA

**Plaintiff**

## ORDER

V.

## **GUARDIAN FOR J. DOE, JOHN DOE,**

**Defendant.**

## I. DISCUSSION

On April 30, 2020, Plaintiff, an inmate in the custody of SEATAC Federal Detention Center, in Seattle, Washington, submitted a letter/notice. (ECF No. 1). Plaintiff has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff 60 days from the date of this Order to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
  - (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
  - (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a one-time opportunity to file a complaint and a fully complete application to proceed *in forma pauperis* containing all three of the required

1 documents, or in the alternative, pay the full \$400 filing fee for this action on or before  
2 **July 6, 2020.** Absent unusual circumstances, the Court will not grant any further  
3 extensions of time. If Plaintiff is unable to file a complaint and a fully complete application  
4 to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing  
5 fee on or before , the Court will dismiss this case without prejudice for Plaintiff to file a  
6 new case with the Court when Plaintiff is able to file a complaint and able to acquire all  
7 three of the documents needed to file a fully complete application to proceed *in forma*  
8 *pauperis* or pay the full \$400 filing fee. To clarify, a dismissal without prejudice means  
9 Plaintiff does not give up the right to refile the case with the Court, under a new case  
10 number, when Plaintiff is able to file a complaint and has all three documents needed to  
11 submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may  
12 choose not to file an application to proceed *in forma pauperis* and instead pay the full  
13 filing fee of \$400 on or before **July 6, 2020** to proceed with this case.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to  
16 this Court on or before **July 6, 2020**.

17 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the  
18 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The  
19 Clerk of the Court will also send Plaintiff a copy of his notice of complaint. (ECF No. 1-  
20 1).

21 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
22 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
23 document entitled information and instructions for filing an *in forma pauperis* application.

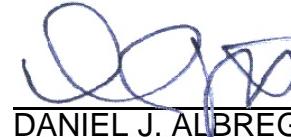
24 IT IS FURTHER ORDERED that on or before (**60 day date**), Plaintiff will either pay  
25 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
26 administrative fee) or file with the Court:

27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

1                   signatures on page 3),  
2                   (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
3                   official (i.e. page 4 of this Court's approved form), and  
4                   (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
5                   **previous six-month period.**

6                   IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully  
7                   complete application to proceed *in forma pauperis* with all three documents or pay the full  
8                   \$400 filing fee for a civil action on or before **July 6, 2020**, the Court will dismiss this action  
9                   without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
10                  when Plaintiff is able to file a complaint and has all three documents needed to file a  
11                  complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

12                  DATED: May 5, 2020.

13                    
14                  DANIEL J. ALBREGTS  
15                  UNITED STATES MAGISTRATE JUDGE

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